THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24235 of 2007

Date: 16.11.2007

Between:

Madakam Irmaraj.

..... PETITIONER

AND

The District Collector,
Khammam District, Khammam and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 24235 of 2007

Order:

Heard the learned counsel for the petitioner, learned Government Pleader for Revenue appearing for respondent Nos.1 and 2, and the learned Standing Counsel for respondent Nos.3 and 4.

The petitioner states that the land admeasuring 0.10 gts., in Survey No.375, situated at Samaithisingaram village, belonged to his father, was acquired by the respondents for construction of Heavy Water Plant, at Manuguru. He further states that initially his father got registered his name for the purpose of employment under land oustees quota, but due to ill-health of his father, subsequently he made a representation on 13.08.2001 seeking to consider his case for providing employment under land oustees quota, but respondent No.3, by letter dated 09.11.2001, rejected the same on the ground that he has not preferred the claim within one year from the date of acquisition of land as prescribed in the guidelines issued by the Government of Andhra Pradesh and Revenue Authorities, while considering the cases of similarly situated persons. According to the petitioner, as per Government Memo No.813/ID/81-2, dated 07.07.1981, if there is any dispute with regard to status of the beneficiaries for providing employment under land oustees quota, there is a procedure contemplated under the said memo and respondent No.1-District Collector is the competent authority to decide as to who are the families displaced by the land acquisition and which member of the family is to be given employment, and the decision of respondent No.1-District Collector shall be final and binding on both sides, and in view of that, he wants to make an application to respondent No.1-District Collector for

consideration of his case for providing employment under land oustees quota in terms of memo dated 07.07.1981.

In view of the contention raised by the petitioner, it is pertinent to extract the Memo No.813/ID/81-2, dated 07.07.1981, issued by the Government of Andhra Pradesh, which reads thus:

"GOVERNMENT OF ANDHRA PRADESH
INDUSTRIES AND COMMERCE (ID) DEPARTMENT

Memo No. 813/ID/81-2. Dated 07.07.1981

Sub: L.A. Acquisition in scheduled areas – Provisions to safeguard the interests of tribals, whose lands are acquired – Instructions – Issued.

The Director of Employment and Training is informed that while acquiring the lands in the scheduled areas under L.A. Act for setting up of industries by Companies land agreement is executed by the Company, with the Government and in order to safeguard the interests of the tribals who loose land by such acquisition, certain provisions are made in the agreement taken from the company. Among others, the following clauses are included in the agreement in this regard.

a) for each family displaced by the acquisition of land, at least one member of the family shall be given employment in the proposed factory. The District Collector, shall be final authority to decide as to who are the families displaced by the land acquisition. The list of families affected by the land acquisition, shall not be limited only to this legal pattadaru. The Collector will also specify which member of the family is to be given employment. In case of disputes, the decision of the Collector shall be final and binding on the Company.
b) In case of acquisition in Scheduled Areas, the Company, shall propose a definite plan for employing the local tribals in at least semi-skilled jobs immediately right from the beginning, so that the trained tribals can be suitably employed by the time the project goes into production.

The District Collector is the authority to ensure implementation of the above conditions by the Company, and also to decide about the identification of the member of the family who should be given employment in the project.

The Director of Employment and Training is requested to keep the above conditions in view while sponsoring candidates for employment in the project and in regard to training.

Sd/- C.R. mamalanathan,
Joint Secretary to Government"

A bare reading of said memo clearly indicates that if there is any dispute with regard to status of the beneficiaries for providing employment under land oustees quota, the District Collector is the competent authority to decide as to who are the families displaced by

the land acquisition and which member of the family is to be given employment, and the decision of the District Collector shall be final and binding on both sides.

Having regard to the facts and circumstances of the case, and in view of the stand taken by the petitioner that he wants to make an application to respondent No.1-District Collector for consideration of his case for providing employment under land oustees quota in terms of the said memo dated 07.07.1981, without going into the merits of the matter, I deem it appropriate to dispose of the writ petition with the following directions:

The petitioner is at liberty to make an application to respondent No.1-District Collector for consideration of his case for providing employment under land oustees quota, and if any such application is made, respondent No.1-District Collector shall consider the same in terms of Memo, dated 07.07.1981, and pass appropriate orders in accordance with law.

Accordingly, the writ petition is disposed of. No costs.

_____

N.V. RAMANA, J.

Date: 16.11.2007
Nsr